

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LUCINDA THOMAS,

Plaintiff,

v.

WAL-MART, INC.,

Defendant.

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Case No.: 2:23-cv-00068-ACA

ORDER

On April 11, 2023, the court entered an order striking *pro se* Plaintiff Lucinda Thomas's complaint as shotgun pleading and directing Ms. Thomas to file an amended complaint that complied with Federal Rules of Civil Procedure 8 and 10 and the Eleventh Circuit's instructions about pleading a complaint. (Doc. 22). The court warned Ms. Thomas that failure to file an amended complaint by May 2, 2023 could result in dismissal of the case for failure to prosecute. (*Id.* at 5).

Ms. Thomas did not file an amended complaint by the deadline. According to the allegations in Ms. Thomas's original complaint, she is not a prisoner and is therefore not entitled to the benefit of the prison mailbox rule. (Doc. 1 at 2 (stating Ms. Thomas is a resident of Alabaster, Alabama); *id.* at 10 (providing a house address)); *cf. Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). Moreover, Ms. Thompson's status as an unrepresented litigant does not absolve her

of the requirement to comply with all court orders and rules. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989).

On May 3, 2023, Ms. Thomas filed a letter with the court. (Doc. 23). The letter is not a complaint. Even if the court were to construe the letter as an amended complaint, the filing does not correct the deficiencies identified in the April 11, 2023 order or comply with the instructions to replead. (*See* doc. 22 at 3–5).

Because Ms. Thomas did not file an amended complaint by the May 2, 2023 deadline, the court **DISMISSES** this action **WITHOUT PREJUDICE** for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

The court **DIRECTS** the Clerk to mail a copy of this order to Ms. Thomas at her address of record.

DONE and **ORDERED** this May 9, 2023.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE